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Pro hac vice application pending

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DENNIS F., CAROL F., and GRACE F.,

Plaintiffs,

vs.

AETNA LIFE INSURANCE COMPANY,

Defendant.

) Case No. 3:12-cv-02819-MMC

) Assigned to: Hon. Maxine M. Chesney

) Complaint filed: 05/31/2012

) **STIPULATED MOTION
TO RELATE CASES**

) [L.R. 3-12(b)]

AVIVA B. et al,

Plaintiffs,

vs.

AETNA LIFE INSURANCE COMPANY,

Defendant.

) 3:16-cv-01395-LB

) Assigned to: Hon. Laura Beeler

) Complaint filed: 03/22/2016

BRIAN K. et al,
 Plaintiffs,
 vs.
 AETNA LIFE INSURANCE COMPANY,
 Defendant.

) Case No. 3:16-cv-01397-JCS
)
) Assigned to: Hon. Joseph C. Spero
)
) Complaint filed: 05/31/2012
)

DANIEL B. et al,
 Plaintiffs,
 vs.
 AETNA LIFE INSURANCE COMPANY,
 Defendant.

) 3:16-cv-01398-DMR
)
) Assigned to: Hon. Donna M. Ryu
)
) Complaint filed: 03/22/2016
)

ELAINE L. et al,
 Plaintiffs,
 vs.
 AETNA LIFE INSURANCE COMPANY,
 Defendant.

) Case No. 3:16-cv-01399-LB
)
) Assigned to: Hon. Laura Beeler
)
) Complaint filed: 03/22/2016
)

EVAN P. et al,
 Plaintiffs,
 vs.
 AETNA LIFE INSURANCE COMPANY,
 Defendant.

) 3:16-cv-01400-DMR
)
) Assigned to: Hon. Donna M. Ryu
)
) Complaint filed: 03/22/2016
)

T B et al,

Plaintiffs,

vs.

AETNA LIFE INSURANCE COMPANY,

Defendant.

) Case No. 3:16-cv-01405-DMR

) Assigned to: Hon. Donna M. Ryu

) Complaint filed: 03/22/2016

T W et al,

Plaintiffs,

vs.

AETNA LIFE INSURANCE COMPANY,

Defendant.

) 3:16-cv-01406-KAW

) Assigned to: Hon. Kandis A. Westmore

The parties to all of the above actions hereby respectfully submit this Stipulated Administrative Motion to Relate Cases. (See L.R. 3-12, R. 7-11.) At the December Status Conference in case No. 3:12-cv-02819, the parties and the Court agreed that the parties would discuss amongst themselves whether to maintain each of the above-captioned cases separately or stipulate that they should be related.

The parties have conferred and this motion is filed pursuant to the parties Joint Stipulation to Sever Cases (Docket No. 155) and resulting Order from this Court regarding the severed cases (Docket No. 156), which have now been filed as 11 separate actions. The parties have agreed that for the sake of judicial efficiency, the cases should be related.

This motion is filed pursuant to the Northern District local rules. Under these rules, whenever a party knows or believes that an action may be related to an action which is or was pending in the Northern District, said party is to “file in the earliest-filed case an Administrative Motion to Consider

Whether Cases Should be Related, pursuant to Civil L.R. 7-11.” Civil L.R. 3-12(b). That motion must include: “(1) The title and case number of each apparently related case; (2) A brief statement of the relationship of the actions according to the criteria set forth in Civil L.R. 3-12(a).”

I. PROCEDURAL HISTORY

The procedural history of this action is detailed in the Parties Joint Stipulation to Sever Individual causes of Action, and the resulting Order from this Court. (Docket Nos. 155, 156.)

The lead case related to this motion was a putative class action filed on May 31, 2012. It involved a number of named plaintiffs, all covered by health plans insured or administered by defendant Aetna, and all of whom received mental health treatment and care at residential treatment centers. The plaintiffs made claims for health benefits under health benefits plans governed by the Employee Retirement Income Security Act (“ERISA”). Defendant Aetna denied, either in whole or in part, the plaintiffs’ claims.

After the Court (Hon. Samuel Conti) denied Plaintiffs’ motion for class certification, Plaintiffs filed an amended complaint joining the thirty-one claims for benefits of fifty-four different Plaintiffs. The parties settled and dismissed all but twelve claims for benefits. Plaintiffs Dennis F. Carol F., and Grace F., remain the sole parties in the original action (Case No. 3:12-cv-02819).

Pursuant to the Court’s direction at the December 20, 2015 status conference, the parties jointly stipulated to the filing of eleven additional separate complaints, each asserting a separate claim for benefits under an ERISA-governed health benefits plan, on behalf of:

- a) Kim B., on behalf of minor A.B.;
- b) Alison B., on behalf of minor D.B.;
- c) William B., on behalf of minor R.B.;
- d) Lloyd B. and Talya B.;
- e) Mark L. and Elaine L.;
- f) R.M. and M.M.;
- g) Perry P. and Evan P.;
- h) Richard R., on behalf of minor S.S.R.;
- i) Dagmar W. and Samantha W.;

1 j) Cheryl N., on behalf of minor T.W.; and

2 k) Rodney K. and Brian K.

3 The Parties also stipulated that Plaintiffs would file motions to relate each of the eleven
4 complaints enumerated above, and to transfer each action to this Court.

5 The Order approving the stipulations was signed on January, 22, 2016.

6 The separate complaints have now been filed, and Plaintiffs now bring the instant
7 administrative motion to relate the eleven newly filed complaints to the original action.

8 **II. UNDER CIVIL L.R. 3-12, THE 11 ACTIONS ARE RELATED TO *DENNIS F.***

9 Under Civil Local Rule 3-12, an “action is related to another when: (1) the actions concern
10 substantially the same parties, property, transaction or event, and (2) it appears likely that there will
11 be an unduly burdensome duplication of labor and expense or conflicting results if the cases are
12 conducted before different Judges.” Civil L.R. 3-12(a).

13 The 11 recently filed actions meet the above criteria and, therefore, should be related. All
14 Plaintiffs share the same counsel. All actions involve the same Defendant (Aetna), and the same
15 counsel for Defendant. The 12 different claims for benefits have been handled collectively by this
16 Court and counsel for the parties since the filing of the Second Amended Complaint—including
17 throughout discovery and motion practice.

18 Because of this, it is in the interests of judicial economy for the same Court to continue to
19 preside over all actions.

20 For all of the above reasons, relating these cases meet the criteria set forth in Local Rule 3-
21 12(a)

22 **III. CONCLUSION**

23 The eleven actions identified above satisfy the criteria of Civil Local Rule 3-12. Therefore,
24 Plaintiffs respectfully request that the cases be deemed related and the parties request that they be
25 assigned to Honorable Maxine M. Chesney, the Judge assigned to the earliest-filed case, Dennis F.

1 Dated: May 17, 2016

2
3
4 Respectfully submitted,

DAVID LILIENSTEIN
DL LAW GROUP

5
6 By: _____/s/_____

David Lilienstein

Attorneys for Plaintiffs and others similarly situated

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8
9 Dated: May 17, 2016

10
11 Respectfully submitted,

GEOFFREY SIGLER
HEATHER RICHARDSON
GIBSON, DUNN & CRUTCHER LLP

12
13
14 By: _____/s/_____

Heather Richardson

Attorneys for Defendant Aetna Life Insurance Company